

EXHIBIT 05

STATUTES
OF
THE REALM.

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OF HIS MAJESTY
KING GEORGE THE THIRD.

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THE HOUSE OF COMMONS
OF GREAT BRITAIN.

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VOLUME THE FIFTH.

MDCCCXIX

CHAPTER III.

AN ACT for ordering the Forces in the several Counties of this Kingdom

*Rot. Parl. 14 C. II.
p. 1. m. 3.*

Recital that the Government of the Militia, &c. is in the King, and that Parliament cannot pretend to the same.

The King may issue Commissions of Lieutenancy.

Power of Lieutenants to arm Troops;

to appoint and give Commissions to Officers;

and to present Names of Deputy Lieutenants.

The King may displace such Officers.

Lieutenants and Deputy Lieutenants may train, &c. Troops.

II.
Lieutenants, &c. may charge Persons with Horsemen, Foot Soldiers, &c.

What Estate shall render Persons liable to be charged.

III.
Persons chargeable to find a Horseman, &c. not chargeable for the same Estate for a Foot Soldier.

Lieutenants, &c. may join Persons chargeable.

FORASMUCH as within all His Majesties Realmes and Dominions the sole and supreme Power Government Command and Disposition of the Militia and of all Forces by Sea and Land and of all Ports and places of Strength is and by the Laws of England ever was the undoubted Right of His Majesty and His Royall Predecessors Kings and Quenes of England and that both or either of the Houses of Parliament cannot nor ought to pretend to the same nor can nor lawfully may raise or levy any War offensive or defensive against His Majesty His Heires or lawfull Successors and yet the contrary thereof hath of late years bene practised almost to the ruine and destruction of this Kingdome and during the late usurped Governments many evil and rebellious principles have bene instilled into the minds of the people of this Kingdome which may breake forth unless prevented to the disturbance of the peace and quiet thereof Bee it therefore declared and enacted by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the Authority of the same That the Kings most Excellent Majestie His Heires and Successors shall and may from time to time as occasion shall require issue forth severall Commissions of Lieutenancy to such persons as His Majesty His Heires and Successors shall thinke fit to be His Majesties Lieutenants for the severall & respective Counties Cities and places of England & Dominion of Wales and Town of Berwick upon Tweed which Lieutenants shall have full power and authority to call together all such persons at such times and to arm and array them in such manner as is hereafter expressed and declared and to form them into Companies Troops and Regiments and in case of Insurrection Rebellion or Invasion them to lead conduct and imploy or cause to be [lead'] conducted and imployed as well within the said severall Counties Cities and places for which they shall be commissioned respectively as alsoe into any other the Counties and places aforesaid for suppressing of all such Insurrections and Rebellions and repelling of Invasions as may happen to bee according as they shall from time to time receive directions from His Majesty His Heires and Successors and that the said respective Lieutenants shall have full power and authority from time to time [to constitute appointe and give Commissions to such persons as they shall thinke fitt to be Colonels Majors Captaines and other Commission Officers of the said persons so to be armed arrayed and'] weaponed and to present to His Majestie His Heires and Successors the names of such person and persons as they shall thinke fitt to be Deputy Lieutenants and upon His Majesties approbation of them shall give them Deputations accordingly Alwaies understood that His Majesty His Heires and Successors have power and authority to direct and order otherwise and accordingly att His and their pleasure may appoint and commissionate or displace such Officers Any thing in this Act to the contrary notwithstanding And that the said Lieutenants respectively and in their absence out of the Precincts and Limits of their respective Lieutenancies or otherwise by their directions the said Deputy Lieutenant during their said respective Deputations or any two or more of them shall have power from time to time to train exercise and put in readines and alsoe to lead and conduct the persons so to be armed arrayed and weaponed by the directions and to the intents and purposes as is hereafter expressed and declared

AND for the providing Horse and Armes and Furniture thereunto belonging for the arming and weaponing the persons aforesaid and alsoe for the defraying and paying the necessary charges thereunto belonging in manner as hereafter followeth Be it further Enacted That the said respective Lieutenants within the severall Counties Cities and places for which they are nominated respectively and their Deputies or the maior part of such Lieutenants and Deputy Lieutenants then present or in the absence of the Lieutenant or Lieutenants the maior part of the Deputy Lieutenants then present which maior part shall bee three att the least have hereby full Power and Authority to charge any person with Horse Horsman and Armes or with Foot Souldier and Armes in the same County Shire City Burrough or Towne Corporate where his her or their Estates lie having respect unto and not exceeding the limitations and proportions hereafter mentioned (that is to say) No person shall be charged with finding a Horse Horseman and Armes unless such person or persons have a Revenue of Five hundred pounds by the yeare in possession or have an Estate of Six thousand pounds in goods or money besides the furniture of his or their houses and so proportionably for a greater Estate in lands in possession or goods as the respective Lieutenants and their Deputies as aforesaid in their discretions shall see cause and thinke reasonable And they are not to charge any person with finding a Foot Souldier and Armes that hath not a yearely Revenue of Fifty pounds in possession or a personal Estate of Six hundred pounds in goods or moneys (other then the stocke upon the ground) and after the aforesaid rate proportionably for a greater or lesser Revenue or Estate Nor shall they charge any person with the finding both of Horse and Foot in the same County.

PROVIDED That no person chargeable by this Act to finde [a'] Horse and Horseman with Armes or to be contributory towards finding an Horse and Horseman with Armes shall for the same Estate be chargeable towards finding a Foot Souldier with Armes or contributory thereunto And it shall be lawfull to and for the respective Lieutenants and Deputies or any three or more of them as aforesaid to impose the finding and providing of Horse Horseman and Armes as aforesaid by joyning two or three or more persons together in the charge as to their judgement shall appeare most conduible to the service of this Kingdome

A.D.1662.

14^o CAR. II. c. 3.

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PROVIDED That no person that hath not One hundred pounds per annu in possession in Lands Tenements or Hereditaments Leasehold or Copihold or Twelve hundred pounds personal Estate shall be compellable to contribute in finding any Horse and Horseman with Armes And the said respective Lieutenants and Deputies or any three or more of them shall have power to heare Complaints and examine Witnesses upon Oath (which Oath they have hereby power to administer) and [to ''] give redresse according to the merits of the cause in matters relating to the execution of this Act

Be it further Enacted That the said Lieutenants and Deputies or any three or more of them in their several Counties and places respectively shall require and direct all persons so charged as aforesaid with Horse Horsemen and Armes to allow Two shillings by the day to the Troopers that serve with their Horse and Armes for the maintenance of the Man and Horse and Twelve pence a day for the Foot Souldiers (if they serve not in their owne persons) for so many dayes as they shall be absent from their Dwellings and Callings by occasion of Muster or Exercise.

AND for furnishing Ammunition and other Necessaries the said respective Lieutenants and Deputies or any three or more of them shall have power to lay fitting Rates upon the respective Counties and Places not exceeding in the whole in any one yeare the proportion of a fourth part of One Moneths Assessment in each County after the Rate of Seventy thousand pounds by the Moneth now or late charged by an Act intituled An Act for the raising of Seventy thousand pounds for the further Supply of His Majesty which Moneys are to be assessed collected and paid by such psons and according to such Directions as shall be given from time to time by the said respective Lieutenants & Deputies or any three or more of them under the like penalties and by the like wayes & meanes as are prescribed in the said Act for the Seventy thousand pounds by the Moneth And in case of Invasions Insurrections or Rebellions whereby occasion shall be to draw out such Souldiers into actuall Service the persons so charged as aforesaid shall provide each their Souldier respectively with pay in hand not exceeding one moneths pay as shall be in that behalfe directed by the said respective Lieutenants and in their absence as aforesaid or otherwise by their directions by their Deputies or any two or more of them for repayment of which said Moneys and for satisfaction of the Officers for their pay during such time not exceeding one moneth as aforesaid as they shall be with* their Souldiers in such said actual service It is hereby declared That provision shall be made for the same by His Majesty His Heires and Successors out of His or Theirs Publique Treasury or Revenue Nevertheles it is hereby further Provided and Enacted That in case a moneths pay shall be provided and advanced as aforesaid that no person who shall have advanced his proportion thereof shall be charged with any other like moneths payment untill he or they shall have bene reimbursed the said Moneths pay & so from time to time the Moneths pay by him or them last before provided and advanced as aforesaid

AND be it Enacted that the said Lieutenants and their Deputies or the Cheife Officers upon the place in the respective Counties and places as aforesaid may charge Carts Wagons Wayns and Horses for the carrying of Powder Match Bullet and other Materials allowing six pence a Mile outward only to every such Cart Wagon and Wayn with five Horses or six Oxen and so proportionably And for every Horse employed out of Wagon or Cart for the uses aforesaid one penny so taken upon the Marching of any Regiment Company or Troope upon occasion of Invasion Insurrection or Rebellion And that the said Lieutenants or Deputies or the Cheife Officers upon the place shall and may imprison Mutineers and such Souldiers as doe not their Duties as Souldiers at the day of their Musters and Training and shall and may inflict for punishment for every such Offence any pecuniary Mult not exceeding five shillings or the penalty of Imprisonment without Bail or Mainprise not exceeding twenty dayes

AND be it further Enacted if any person or persons so to be assessed or charged by the said Lieutenants and Deputies or any three or more of them respectively shall refuse or neglect by a reasonable time to be appointed to provide and furnish such sufficient Horse and Horseman Horses and Horsemen Armes and other Furniture or to pay such sum or sums of Money towards the providing and furnishing as aforesaid That then it shall and may be lawfull to and for the respective Lieutenants & Deputies or any three or more of them for every such Offence from time to time to inflict a penalty upon such persons not exceeding twenty pounds And alsoe by Warrant under their or any three or more of their hands and Seales to levy such sum or sums of money or the value of such Horse or Horses Armes and Furniture and such penalty inflicted by Distresse and sale of the goods of the person or persons so neglecting or refusing rendring the overplus to the party soe distrained all necessary charge in levying thereof being first deducted And it is declared that the same be employed to the same uses in default whereof the same was imposed

AND be it further Enacted That if any person or persons so to be armed arrayed and weaponed shall detain or imbezil his Horse Armes or Furniture wherewith he ought to serve or is intrusted that it shall and may be lawfull to and for the said respective Lieutenants and in their absence as aforesaid or otherwise by their directions to and for their Deputies or any two or more of them to imprison such person and persons till he or they have made satisfaction for the Horse Armes or other furniture so by him detained or imbezelled And alsoe that if any person so to be armed horsed or weaponed as aforesaid shall not appeare and serve compleatly furnished with Horse and Armes and other Furniture wherewith he is intrusted at the beat of Drum sound of Trumpet or other Summons that then and soe often it shall and may be lawfull to and for the said respective Lieutenants and in their absence as aforesaid or

IV.
Persons not having
£100 per Annum
real, or £1,000 of
personal Estate,
not liable to find
Horsemen.
Lieutenants, &c.
may hear
Complaints.

V.
Lieutenants, &c.
may direct Persons
charged to make
Allowance to
Troopers, &c.
on Exercise.

VI.
Lieutenants may
lay Rates for
Ammunition.

12 Car. II. c. 29.

How and by
whom such Monies
assessed and paid.

In case of Invasion,
such Persons to
provide Soldiers
with pay in hand.

Provision for
Repayment
thereof, &c.
Proviso where
Month's Pay
advanced.

VII.
Lieutenants may
charge Carts, &c.
for Carriage of
Powder, &c. and
make an Allowance;

may imprison
Mutineers;

and may fine or
imprison Soldiers
not doing
their Duty.

VIII.
Persons charged
by Lieutenants,
refusing to provide
Horsemen, &c. or
to pay, &c.
Lieutenants may
inflict a Penalty,
and levy such
by Distress.

IX.
Persons armed
emberzling, &c.
Horse, Arms, &c.
Lieutenants
may imprison.
Persons not
appearing to serve,

Lieutenants, &c. may imprison, or inflict a Penalty.

Persons assessed not delivering in Horse, &c.

Lieutenant, &c. may inflict a Penalty, to be levied by Distresse.

otherwise by their directions to and for their Deputies or any two or more of them if the default be in the person or persons so intrusted to imprison such person or persons for the space of five dayes without Baile or Mainprize or to inflict the penalty if a Horseman not exceeding twenty shillings and if a Foot man not exceeding ten shillings to be paid downe without delay or forbearance And if any person or persons so assessed or charged as aforesaid shall refuse or neglect to send in or deliver his Horse Armes or other Furniture upon such summons or other notice as aforesaid That then and so often it shall and may be lawfull to and for the said respective Lieutenants & their Deputies or any three or more of them to inflict a penalty not exceeding five pounds to be levied by Distresse and sale of the Goods of such person or persons so refusing as aforesaid rendering the overplus to the party distrained necessary Charges for levying being first deducted

X.
Power to Lieutenants, &c. to examine upon Oath.

AND for the better Discovery of the ability of the persons so to bee assessed and charged and (') all Misdemeanors tending to the hinderance of the service aforesaid the said respective Lieutenants and their Deputies or any three or more of them are hereby enabled to examine upon Oath such person or persons as they shall judge necessary or convenient or shall be produced by the party charged or accused other then the persons themselves [soe'] to bee assessed and accused

XI.
Lieutenants to appoint Treasurers, Clerks, &c.

who are to account every Six Months.

Accounts to be certified to the Privy Council.

AND for the better and more speedy execution of the pmisses bee it further enacted That the said respective Lieutenants shall bee and are hereby required to appoint one or more Treasurer or Treasurers Clerke or Clerkes for receiving & paying such moneyes as shall be levied by vertue hereof of all which Receipts and Disbursements thereof the said Treasurer Clerke and Clerkes are every six Monethes to give their Accompts in writing and upon Oath to the said Lieutenants and their Deputies or any three or more of them which Oath they have hereby power to administer And the said Accompt soe to be taken shall be forthwith certified to the Lords of His Majesties most Honorable Privy Council and a Duplicate thereof shall be certified to the Justices of [the'] Peace att the next Generall Quarter Sessions

XII.
Deputy Lieutenants to obey Lieutenants.

AND be it further enacted That the Deputy Lieutenants shall observe and obey such Orders and Directions as they shall from time to time receive from the respective Lieutenants for the putting in execution the Powers given by this Act.

XIII.
Lieutenants or Deputy Lieutenants may by Warrant employ Persons to search and seize Arms.

Hours at which Search may be made.

If Search resisted, Force may be used.

Proviso for Peers.

Arms seized may be restored.

AND for the better securing the Peace of the Kingdome be it further enacted and ordained and the respective Lieutenants or any two or more of their Deputies are hereby enabled & authorized from time to time by Warrant under their Hands and Seales to employ such Person or Persons as they shall thinke fitt (of which a Commissioned Officer and the Constable or his Deputy or the Tythingman or in the absence of the Constable and his Deputy and Tythingman some other Person bearing Office within the Parish where the Search shall be shall be two) to search for and seize all Armes in the custody or possession of any person or persons whom the said Lieutenants or any two or more of their Deputies shall judge dangerous to the Peace of the Kingdome and to secure such Armes for the service aforesaid and thereof from time to time to give Accounts to the said respective Lieutenants and in their absence as aforesaid or otherwise by their directions to their Deputies or any two or more of them. [Provided that no such Search be made in any house or houses between Sun setting and Sun rising other then in Cities and their Suburbs and Townes Corporate Market Townes and houses within the bills of Mortality where it shall and may be lawfull to search in the night time by Warrant as aforesaid if the Warrant shall so direct and in case of resistance to enter by force And that no dwelling house of any Peere of this Realme be searched by vertue of this Act but by immediate Warrant from His Majesty under His Sign Manual or in the presence of the Lieutenant or one of the Deputy Lieutenants of the same County or Riding And that in all places and houses whatsoever where search is to be made as aforesaid it shall and may be lawfull in case of resistance to enter by force And that the Armes so seized may bee restored to the Owners againe if the said Lieutenants or in their absence as aforesaid their Deputies or any two or more of them shall so thinke fitt. *]

XIV.
Constables, &c. to be aiding Lieutenants, &c. in execution of Act.
Persons who have executed Commissions of Lieutenancy indemnified.

AND be it Enacted that all high Constables petty Constables and other Officers and Ministers within the said Counties Cities Parishes and places aforesaid be and are hereby required to be aiding and assisting to the said respective Lieutenants and their Deputies or any of them in execution of the premisses. And that all and every person and persons who shall act or do any thing in execution thereof shall be hereby saved harmeles and indemnified And alsoe that all and every person and persons who have heretofore acted or done any thing in execution of any Commission or Commissions of Lieutenancy issued by the Kings Majesty that now is or by colour of them or any of them [or touching or concerning the same or any of them *] or relating thereunto since the seaventh day of May One thousand six hundred sixty and one until the twentieth day of May One thousand six hundred sixty and two shall be and are hereby saved harmeles and indemnified in that behalfe

XV.
Lieutenants to send Notice of Charge to Persons charged in Counties, &c. where they do not reside, or their Tenants, &c.

AND be it further enacted and ordained That where any person or persons shall be charged by vertue of this Act [to find'] a Horse & Horseman Horses and Horsemen and Armes or Foot souldier and Armes in such County City or place where he or they do not reside or inhabit That then and in such cases the respective Lieutenants and Deputies or any three or more of them shall send Notice of every such charge if such person have any land in his owne occupacōn to such person as he doth imploy as his servant in managing the same And in case all his Lands or other Estate be demised and to farne let then to one or two of the most sufficient Tenant or Tenants who shall have the same in their occupation who are hereby required forthwith with all

* of O.

* interlined on the Roll.

* O. omits.

* annexed to the Original Act in a separate Schedule.

convenient speed to convey the same to their Master or Landlord respectively And within such time as shall bee appointed in that behalfe bring an Accompt of their Master or Landlords answer to the respective Lieutenants and Deputies or any three or more of them and upon neglect or refusal of the Landlord to provide such Horse and Horseman Horses & Horsemen and Armes or Foot Souldier and Armes as is duly charged upon him [according to the Rates mentioned in this Act for the yearly Rent reserved upon every demise or other grant and not otherwise¹] within the time limited for that purpose that then the said Tenant or Tenants shall provide and do as the Landlord in that behalfe ought to have done And if the said Tenant or Tenants shall refuse or neglect to provide such Horse and Horseman Horses and Horsemen and Armes or Foot Souldier and Armes as are charged upon him or their Landlords within the time limited that then and upon every such default it shall and may be lawfull to and for the said respective Lieutenants and in their absence as aforesaid or otherwise by their directions to and for their Deputies or any two or more of them by Warrant under their hands and Seales to levy all such penalties as are appointed by this Act by distresse and sale of the offenders goods rendring the overplus to the party distrained

Tenants or Servants receiving such Notice to convey the same to Landlord, &c. and bring answer to Lieutenants; if Landlords neglect to provide, Tenants to do so; if Tenants refuse, Lieutenants, &c. may levy Penalties.

And it is hereby ordained and enacted that it shall and may be lawfull to and for the said Tenant or Tenants to defalke out of such Rent as shall be next due to his or their Landlord all such Money as the said Tenant or Tenants shall necessarily lay out or expend in providing such Horse and Horseman Horses and Horsemen and Armes or Foot Souldier and Armes as are charged upon him or their Landlord or shall pay or be leavyed upon him or them by distresse for any default in manner as aforesaid Any condition reservation Covenant or Contract for the payment of his or their Rent to the contrary in any wise notwithstanding And for soe doing the said Tenant or Tenants shall be indemnified by Authority of this Act unlesse the Landlord or Landlords shall make it appeare within two Monethes after such levying such penalties before the respective Lieutenants and in their absence as aforesaid or otherwise by their directions before their Deputies or any two or more of them that the default and penalty was occasioned by the wilfull neglect of the said Tenant or Tenants.

XVI.
Tenants may deduct Rate paid by them and charged on Landlord out of Rent.

Tenants indemnified.

PROVIDED also that no person being a Peer of this Realme shall be capable of acting or serving as Lieutenant or Deputy Lieutenant by vertue of this Act unless he or they shall first before six [of the²] Lords of His Majesties Privy Council for the time being or such other persons as shall be authorized by His Majesty to administer the same take the Oaths of Allegiance and Supremacy and alsoe this Oath following I. A. B doe declare and beleive that it is not lawfull upon any pretence whatsoever to take Armes against the King And that I doe abhor that traitorous Position that Armes may be taken by His Authority against His Person or against those that are Commissioned by Him in pursuance of such military Commissions So helpe me God Which Oathes they have hereby power to administer

XVII.
Peers not to act as Lieutenants or Deputy Lieutenants without taking Oaths, &c. which Six Lords of the Council may administer.

And that no person being under the degree of a Peer of this Realm shall be capable of acting as Lieutenant Deputy Lieutenant Officer or Souldier by vertue of this Act unlesse he or they shall first take the Oathes of Allegiance and Supremacy and this Oath following I A. B. doe declare and beleive that it is not lawfull upon any pretence whatsoever to take Armes against the King And that I doe abhor that traitorous Position that Armes may be taken by His Authority against His Person or against those that are commissioned by Him in pursuance of such military Commissions. So helpe me God. Which Oathes any one Justice of Peace of the respective Counties and places aforesaid is enabled to administer to such respective Lieutenant as is not a Peer of this Realm and the said Lieutenant or any one Justice of Peace of the respective Counties and places aforesaid is enabled to administer to the respective Deputy Lieutenants not being Peers and the said respective Lieutenants and in their absence as aforesaid or otherwise by their directions when they are not absent their Deputies or any two of them shall and are hereby enabled to administer the said Oaths to the said Officers and Souldiers.

XVIII.
The like Provision as to Persons under Degree of a Peer.

Justice of Peace may administer such Oaths; and Lieutenants, &c. to Officers and Souldiers.

And to the end there may be some convenient time to put in Execution the Powers of this Act and preparing an Establishment according to the same be it hereby enacted That the Trained Bands and Forces now actually raised and in being shall so continue in each respective City and County of England and Wales untill the five and twentieth [day³] of March One thousand six hundred sixty and three and no longer unlesse an Establishment according to this Act be no sooner had Any thing in this present Act to the contrary in any wise notwithstanding.

XIX.
Trained Bands, &c. now raised to continue till 25th March 1663.

And it is hereby declared and enacted That the ordinary times for training exercising and mustering the Forces to be raised by vertue of this Act shall be these following (that is to say) the General Muster and Exercise of Regiments not above once a Yeare the training and exercising of single Companies not above foure times a Yeare unlesse speciall Directions be given by His Majestie or His Privy Council And that such single Companies and Troopes shall not att any one time be continued in Exercise above the space of two dayes And that att a Generall Muster and Exercise of Regiments no Officer or Souldier shall be constrained to stay for above foure dayes together from their respective habitacions And that att every such Muster and Exercise every Musqueteer shall bring with him halfe a pound of Powder [at the charge of such person or persons as provide the said Foote Souldier and Armes and every Horseman is to bring with him a quarter of a pound of Powder att the charge of such person or persons as provide the said Horse Horseman and Armes⁴] And the Armes offensive and defensive with the Furniture for Horse are to be as followeth The defensive Arms a Back Breast and Pott and the Breast and Pott to be Pistoll prooffe The offensive Armes a Sword and a Case of Pistolls the Barrells whereof are not

XX.
Times for Training, Exercise, &c.

Single Companies how long to be continued in Exercise.

Ammunition to be brought to Muster.

Arms offensive and defensive described.

¹ annexed to the Original Act in a separate Schedule.

² interlined on the Roll.

³ O. omits.

to be under fourteen Inches in length The furniture for the Horse to be a great Saddle or Padd with Burrs and Strapps to affix the Houlsters unto a Bitt and Bridle with a Peccorell & Crupper For the Foot a Musqueteer is to have a Musquett the Barrell whereof is not to be under three Foot in length and the Gage of the Bore to be for twelve Bullets to the pound A Collier of Bandleers with a Sword Provided that all Muster Masters shall for the present admitt and allow of any Musquetts already made which will beare a Bullett of fourteen to the pound But no Musquetts which henceforth shall be made are to be allowed of but such as are of the gage for twelve Bullets to the pound A Pike man is to be armed with a Pike made of Ash not under sixteene foote in length (the Head and Foote included) with a Back Breast Head peice and Sword Provided that all Muster Masters shall for the present admitt and allow of any Pikes already made that are not under fifteen foot in length but no Pikes which shall be hereafter made are to be allowed of that are under sixteene foot in length

XXI.
Proviso respecting
Militia of the
Island of Purbeck.

PROVIDED also and be it enacted by the Authority aforesaid That the Militia of the Island of Purbeck shall remaine separate from the County of Dorset as heretofore hath beene used And that His Majesties Lieutenant of the said Island and his Deputies or any three or more of them for the time being shall have power for the levying arraying mustering and conducting of such number of Foot for the defence of the said Island in such manner and by such wayes and meanes as heretofore hath beene used And alsoe to use and execute within the said Island all and every the Powers which by the true Intent of this Act any of His Majesties Lieutenants or his or their Deputies or any of them might in any respective County use or execute

XXII.
In case of apparent
Danger, the King
may raise the Sum
of £70,000 in one
Year, and so for
Three Years, to
be levied by
Lieutenants, &c.

PROVIDED nevertheless and be it Enacted by the Authority aforesaid That in case of apparent danger to the present Government it shall and may be lawfull for His Majesty att any time or times that the same shall soe happen during the space of three yeares from the five and twentieth day of June in the Yeare One thousand six hundred sixty and twoe to raise such sum or sums of money for the defraying of the whole or such part of the Militia aforesaid as His Majesty shall find himselfe obliged to imploy in order to the quiet and security of this Nation the said sum not exceeding Seventy thousand pounds in one whole yeare And the same to be raised by His Majesties Lieutenants or in their absence as aforesaid by their Deputies in their respective Counties according to the rules & directions in an Act in this Parliament for the raising of Eighteen moneths Assessment after the rate of Seventy thousand pounds per mensem as alsoe to continue the space of three yeares from the aforesaid five and twentieth day of June and no longer Any thing in this Act or any other to the contrary notwithstanding

13 Car. II. Stat. 2.
c. 3.

XXIII.
Constables, &c.
to be reimbursed
Monies paid by
them for Armes, &c.
by Persons refusing
to pay Rate.
Persons refusing
to reimburse
Constables, &c.
Distress.

BE it alsoe enacted That all Constables Tithingmen or other Officer or Officers who since the Foure and twentieth of June One thousand six hundred and sixty have paid or disbursed or before the settlement of the Militia to be established by vertue of this Act shall pay or disburse any moneys for buying of Armes or defraying of Charges of Souldiers sett or to be sett upon their respective Parishes shall be reimbursed the same by those who have refused to pay their proportions thereof And in case hee or they shall refuse to pay the same then to be levied by distresse and sale of Goods rendring the Overplus to the Owner or Owners by Warrant under the Hand and Seale of the Lieutenant or Lieutenants or in his or their absence or otherwise by their direction when they are not absent of any two of their Deputies directed to the respective Constables Tything men or other Officer or Officers aforesaid of their respective Parishes

XXIV.
Persons charged
not compellable
to serve personally,
but may find a
Substitute.

PROVIDED alwaies and it is hereby further enacted and declared That no person charged with the finding of Horse or Foote or with contributing thereunto as aforesaid shall be compellable to serve in his or their proper person but may according to such proportion as they are or shall respectively be charged by this Act find one or more fitt or sufficient man or men qualified according to this Act to be approved by his or their Captain respectively subject nevertheless to be altered upon appeal to the Lieutenant or in his absence as aforesaid to his Deputy Lieutenant¹ or any two of them as there shall be cause And that every such person or persons so found and provided shall and hereby are required to serve as Souldier and Souldiers in such manner and under such penalties as are before appointed in this Act And that every person or persons who shall serve in his or their owne persons (who are alsoe to be approved of as aforesaid) or such person or persons as shall be accepted in his or their stead shall att the next Muster of such Troope or Company in which he or they are to serve give in his or their Christian and Surnames and places of abode unto such person as the Lieutenant or in his absence as aforesaid or by his direction when he is not absent any two Deputy Lieutenants shall appoint to the end the same may be listed And that from thenceforth such person so listed shall not be exchanged or desert the said service or be discharged thereof but by the leave and order of the Lieutenant or two Deputy Lieutenants or his Captaine upon reasonable cause (subject nevertheless upon appeale to be determined as aforesaid) first obtained in writing under his or their hands and seales under pain that such person departing from the said service without leave as aforesaid shall forfeit the sum of Twenty pounds to be levied upon his Goods and Chattells in such manner as is by this Act appointed for the levying of other penalties And for [non²] payment or want of distresse then every such person to be committed to the Common Goal of the County for any time not exceeding three monthes without bail or mainprize Any thing in this Act to the contrary (¹) notwithstanding

Substitute required
to serve.

Persons serving to
give in at the next
Muster their Names
and Places of
Abode.

Persons listed
deserting;
being exchanged;
quitting Service
without Leave.

Penalty £20.

Distress or
imprisonment.

XXV.
Proviso for Tinnors
of Devon and
Cornwall.

PROVIDED alwaies and be it Enacted That nothing in this Act contained shall extend to put any new charge of Armes upon the Tinnors in the Counties of Devon and Cornwall other then the Tax mentioned in the former Proviso But that the Lord Warden of the Stanaries for the time being in pursuance of His Majesties Commission in that behalfe and such as he shall commissionate and authorize under him according to the Rules and

¹ none O.

² in any wise O.

Directions before mentioned in this Act shall and may have and use [the like Powers and array assess arm muster and exercise the said Tinnors within the said Counties and either of them as hath been heretofore used and according to the ancient Priviledges and Customes of the said Stanaries observing the Rules and Proportions appointed by this Act'] Any thing in this Act to the contrary notwithstanding

PROVIDED alwaies and bee it enacted by the Authority aforesaid That His Majesties Lieutenants that are or shall be commissioned for the Militia of the City of London may and shall continue to list and levy the Trained Bands & Auxiliaries of the said City as to number and quality of the persons in such manner as was used in forming the p'sent Forces now raised by His Majesties Commission And in regard of the extraordinary duties which the Forces of the said City that now are and formerly were raised in order to His Majesties happy Restauration [having ''] of late and may againe be put to for the safety of His Majesties Person and for suppressing or preventing of Insurrections that it shall and may be lawfull for his Majesties Lieutenant^e of the said City by Warrant from His Majestie to impose and levy yearly in the same so much money as they shall find needfull for defraying the Arreares of those first raised for His Majesties happy Restauration and the Arreares and necessary charge of those that now are and shall be raised with the Ammunition and other incident expences of their Militia in such manner as the p'sent Assessment is now levied and not exceeding in any one yeare the proportion of One moneths Tax which the said City now payes towards the Tax of Seventy thousand pounds by the Moneth and shall be accountable for the same as by this Act is ordained Any thing in this Act to the contrary of this Proviso in any wise notwithstanding

XXVI.
Power to
Lieutenants to
list and levy the
Trained Bands
for London;

and to impose Rate
for Pay, &c.

PROVIDED alwaies That no Officer or Souldier of the Militia or Trained Bands belonging to any City Borough or Towne Corporate being a County of it selfe or to any other Corporation or Port Towne who have used and accustomed to bee mustered only within their owne p'cinet^e shall be compellable to appeare [out'] of the Precinct^e or Liberties of the same City Borough Towne Corporate or Port Towne at any Muster or Exercise only and every of the said Cities Boroughs Towns Corporate and Port Towns are hereby chargeable to find their usuall number of Souldiers unlessse the respective Lieutenants find cause to lessen the same Any thing in this Act to the contrary notwithstanding

XXVII.
Officers or Souldiers
of Trained Bands
not compellable to
appeare at Muster,
&c. out of their
City or Towne.

PROVIDED That this Act or any thinge herein contained shall not extend to avoid any Covenant or Agreement which hath bene or shall be made betweene any Landlord and Tenant concerning the finding Horses or Armes or the bearing or paying of any [Taxes Rates or other charges by any Tenant either by generall or speciall Covenants but that the said Taxes Rates or other Charges shall be borne and paid by all respective Tenants according to the said Covenant^e and Agreement^e Any thing in this Act to the contrary thereof in any wise notwithstanding '']

XXVIII.
Proviso for
Agreements
between Landlords
and Tenants
concerning Rates,
&c.

PROVIDED That this Act or any thing therein contained shall not extend to make any alteration in the Isle of Wight as to the Militia in that place either to raise Horse or Foote within the said Isleland in any other manner then hath bene formerly and is now used & practised there

XXIX.
Proviso for Militia
of Isle of Wight.

PROVIDED alsoe and be it enacted That whereas the Militia of the Tower Division in the County of Middlesex comonly knowne by the name of the Tower Hamlets are and alwaies have bene under the comand of His Majesties Constable or Lieutenant of the Tower for the Service and Preservation of that His Royall Fort that it shall and may be lawfull for His Majesties Constable or Lieutenant of the Tower for the time being to continue to levy the Trained Bands of the said Division or Hamlets of the Tower in such manner and form as to the number and quality of persons as was observed in forming the present Forces thereof Any thing in this Act to the contrary notwithstanding

XXX.
Proviso for Tower
Hamlets.

PROVIDED that neither this Act nor any matter or thing therein contained shall be deemed construed or taken to extend to the giving or declaring of any power for the transporting of any the Subjects of this Realme or any way compelling them to march out of this Kingdome otherwise then by the Lawes of England ought to be done

XXXI.
Proviso as to
marching the
Subject out of
the Kingdom.

PROVIDED alwaies and be it enacted by the Authority aforesaid That no Peer of this Realme shall be charged with Horse Horsemen and Armes or Foote Souldiers and Armes otherwise or in any other manner then is herein after expressed (that is to say) that His Majestie His Heires and Successors shall and may from time to time issue out Commissions under the Great Seale of England to so many Peeres (not fewer then twelve) as His Majestie His Heires and Successors shall thinke fitt who or any five or more [of'] them shall have power from time to time to assess all and every or any the Peers of this Realme according to the limitations and proportions in this Act appointed for the finding of Horse Horsemen and Armes or Foot Souldiers and Armes and for other the purposes in this Act mentioned (except the Monthly Taxes which are to be levied as is before p'scribed in this Act) and shall have power to put in execucon all and every the Powers and Authorities of this Act as well for laying Assessments as imposing of Penalties (Imprisonment of the person of any Peere of this Realm only excepted) which Assessment or Charge so made together with such penalties as shall be soe imposed (Imprisonment as aforesaid only excepted) shall be from time to time respectively certified to the respective Lieutenants of each County to the intent that the said Charge may be borne and the penalties (not before excepted) levied according

XXXII.
In what manner
Peers are to be
charged.

Monthly Taxes
excepted.

Imprisonment of
Peers excepted.

¹ annexed to the Original Act in a separate Schedule.

² have O.

³ interlined on the Roll.

Peers making
Default;

Distress and
Proceeding
thereon.

to the intent of this Act And that in case there shall be any default in performance of any thing to be done or paid by any Peer by vertue of this Act that then it shall be lawfull for the respective Lieutenants & Deputy Lieutenants or any three of them to cause Distresses to be taken for the same in any of the lands of such Defaulter within their said Counties or Limits respectively And in case satisfaction shall not be given within the space of one weeke after such Distresse taken then such Distresses to be sold for the performance of the said Service and the charge incident thereunto and the Overplus (if any be) to be restored to the Owner And if a Tenant of any Peere of this Realme shall be distrained for such default as aforesaid the Tenant soe distrained is hereby enabled to deduc the sum levied out of his next Rent.

CHAPTER IV.

*Rot. Parl. 14 C. II.
p. 1. m. 4.*

AN ACT for the Uniformity of Publique Prayers and Administration of Sacraments & other Rites & Ceremonies and for establishing the Form of making ordaining and consecrating Bishops Preists and Deacons in the Church of England.

Recital that in the
First Year of Queen
Eliz. there was one
uniform Order of
Church Service
compiled;
and enjoined
to be used by
1 Eliz. c. 2.

WHEREAS in the first year of the late Queene Elizabeth there was one uniforme Order of Cōmon Service and Prayer and of the Administration of Sacraments Rites and Ceremonies in the Church of England (agreeable to the Word of God and usage of the Primitive Church) compiled by the Reverend Bishoppes and Clergy set forth in one Booke entituled The Booke of Cōmon Prayer and Administration of Sacraments and other Rites and Ceremonies in the Church of England and enjoined to be used by Act of Parliament holden in the said First year of the said late Queene entituled An Act for the Uniformity of Cōmon Prayer and Service in the Church and Administration of the Sacraments very comfortable to all good people desirous to live in Christian conversation and most profitable to the Estate of this Realme upon the which the Mercy Favour and Blessing of Almighty God is in no wise so readily and plentifully poured as by Cōmon Prayers due using of the Sacraments and often preaching of the Gospell with Devotion of the Hearers And yet this notwithstanding a great number of people in divers parts of this Realm following their owne sensualitie and liveing without knowledge and due feare of God do willfully and schismatically abstaine and refuse to come to their Parish Churches and other Publique places where Cōmon Prayer Administration of the Sacraments and preaching of the Word of God is used upon the Sundayes and other dayes ordained & appointed to be kept and observed as Holy dayes And whereas by the great and scandalous neglect of Ministers in using the said Order or Liturgy so set forth and enjoined as aforesaid great mischeifs & inconveniencies during the times of the late unhappy troubles have arisen and grown and many people have beene led into Factions and Schismes to the great decay and scandall of the Reformed Religion of the Church of England and to the hazard of many souls [For prevention whereof in time to come for settling the Peace of the Church and for allaying the present distempers which the indisposiçon of the time hath contracted The Kings Majestie according to His Declaration of the Five and twentieth of October One thousand six hundred and sixty granted His Cōmission under the great Seale of England to severall Bishops and other Divines to [re]view the Booke of Cōmon Prayer and to prepare such Alterations and Additions as they thought fitt to offer And afterwards the Convocations of both the Provinces of Canterbury and Yorke being by His Majesty called and assembled and now sitting His Majestie hath bene pleased to authorize and require the Presidents of the said Convocations and other the Bishoppes and Clergy of the same to review the said Booke of Cōmon Prayer and the Booke of the Forme and manner of the making and consecrating of Bishops Preists and Deacons And that after mature consideraçon they should make such Additions and Alterations in the said Bookes respectively as to them should seeme meet and convenient and should exhibit and present the same to His Majesty in writing for his further allowance or confirmation since which time upon full and mature deliberation they the said President¹ Bishops and Clergy of both Provinces have accordingly reviewed the said Bookes and have made some Alterations which they thinke fitt to be inserted to the same and some additional Prayers to the said Booke of Cōmon Prayer to be used upon proper and emergent occasions And have exhibited and presented the same unto His Majestie in writing in one Booke entituled The Booke of Cōmon Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalmes of David pointed as they are to be sung or said in Churches and [the²] forme and manner of making ordaining and consecrating of Bishoppes Preists and Deacons All which His Majesty having duly considered hath fully approved and allowed the same and recommended to this present Parliament that the said Bookes of Cōmon Prayer and of the forme of Ordination and Consecration of Bishops Preists and Deacons with the Alterations and Additions which have beene soe made and presented to his Majesty by the said Convocations be the Booke which shall be appointed to be used by all that officiate in all Cathedrall and Collegiate Churches and Chappells and in all Chappells of Colledges and Halls in both the Universities and the Colledges of Eaton and Winchester and in all Parish Churches and Chappells within the Kingdome of England Dominion of Wales and Towne of Berwick upon Tweed and by all that make or consecrate Bishops Preists or Deacons in any of the said places under such Sanctions and Penalties as the Houses of Parliament shall thinke fitt.] Now in regard that nothing conduceth more to the settling of the Peace of this Nation (which is desired of all good men) nor to the honour of our Religion and the propagation thereof then an universall agreement in the Publique Worshipp of Almighty God and to the intent that every person within this Realme may certainly

that many Persons
nevertheless refuse
to come to their
Parish Church;

that by the Neglect
of Ministers many
Persons have been
led into Schism;

that His Majesty,
according to His
Declaration of
25th Oct. 1660,
had granted a
Commission to
review the Book of
Common Prayer,
and that the
Convocations were
assembled for that
Purpose;

that they had
presented to His
Majesty a Book of
Common Prayer,
which he had
allowed and
recommended to
Parliament that
the same should
be used in all
Churches, &c.;

that an universal
Agreement in public
Worship conduceth
to settling the Peace
of the Nation;

¹ interlined on the Roll.

² annexed to the Original Act in a separate Schedule.